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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,677	07/03/2001	Gregory Stuart Snider	10003302-1	1745

7590 05/03/2005

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Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/898,677

Applicant(s)

SNIDER, GREGORY STUART

Examiner

Benjamin R. Bruckart

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Detailed Action**

#### **Status of Claims:**

Claims 1-24 are cancelled.

New claims 25-39 are added for consideration.

The 35 U.S.C. 101 rejection is withdrawn in light of applicant's amendment.

### **Response to Arguments**

Applicant's arguments filed in the amendment filed 2/15/05, have been considered but are moot in view of the new ground(s) of rejection.

#### **Applicant's invention as claimed:**

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 25-39 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Publication No. 2001/0013051 by Nakada et al in view of U.S. Publication No. 2002/0122063 by Weinberg et al.**

Regarding claim 25,

The Nakada and Weinberg references teach an e-service system, comprising:  
client machine that generates a request pertaining to a set of data (Nakada: page 6, para 80; page 5, para 70-71; Fig. 1; Weinberg: page 1, para 10) such that the request is specified using an agent communication language (ACL) (Nakada: page 7, para 89) having a structured query

Art Unit: 2155

language (SQL) as a constraint language (Nakada: col. 7, para 89; Weinberg: pages 9-10; para 134);

a server having an ACL interpreter that enables access to the data in response to the request (Nakada: page , para ; Weinberg: pages 8 and 9, para 121 and 122; server and client).

The Nakada reference does not explicitly state a web server.

The Weinberg reference teaches a server software module is a Web server software module (Weinberg: pages 8 and 9, para 121 and 122; server and client).

The Weinberg reference further teaches the invention provides organized and filtered data to users access without regard to time or geographic location overcoming problems of time consumption and confusion (Weinberg: page 1, para 2-3).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the communications network as taught by Nakada while employing a web server as taught by Weinberg in order to provide organized and filtered data to users access without regard to time or geographic location overcoming problems of time consumption and confusion (Weinberg: page 1, para 2-3).

Claims 26-29, 31-34 and 36-39 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Weinberg et al and Nakada.

Regarding claim 26, the e-service system of claim 25, wherein the request has syntax of an extensible markup language (XML) (Weinberg: pages 9-10; para 134).

Regarding claim 27, the e-service system of claim 25, wherein the ACL interpreter translates the request into an input to a common gateway interface (CGI) script (Weinberg: page 10, para 138-139; Figure 18).

Regarding claim 28, the e-service system of claim 25, wherein the ACL is a knowledge query manipulation language (KQML) agent communication language (Nakada: col. 7, para 89).

Regarding claim 29, the e-service system of claim 25, wherein the ACL is a foundation for intelligent physical agents (FIPA) agent communication language (Nakada: col. 7, para 89).

While the examiner understands the difference between a system a web-server for a system and a method for e-service, the examiner equates these to the hardware and software in which the features of the invention are implemented. Therefore similar claims are rejected along the same grounds. The table below draws parallels between the claim trees.

25	30	35
26	31	36
27	32	37
28	33	38
29	34	39

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

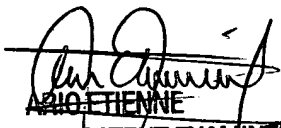
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart  
Examiner  
Art Unit 2155

brb     *BKB*

  
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SUPERVISORY PATENT EXAMINER  
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